

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, AUGUST 1, 1994
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:07 p.m. The meeting was adjourned by Mayor Golding at 4:55 p.m. to meet in Closed Session on existing and anticipated litigation on Tuesday, August 2, 1994, at 9:00 a.m., in the twelfth floor conference room.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present
(1) Council Member Mathis-present
(2) Council Member Roberts-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present
(5) Council Member Warden-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present
Clerk-Abdelnour (mc)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor Golding-present
(1) Council Member Mathis-present
(2) Council Member Roberts-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present

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- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Bill Cypert of the
Horizon Christian Fellowship.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Warden.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell informing Council that the
President does not have the authority under the Constitution
to write executive orders and the President does not have
the authority to say that he was going to give our troops to
the United Nations.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A045-083.)

ITEM-PC-2:

Comment by Carol Hood regarding the United Nations' decision
to invade Haiti. The Constitution gives Congress and only
Congress the permission to invade anyone. He urged the City
Council to take a stand and put SJR-41 on the docket for
discussion.

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FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A085-112.)

ITEM-PC-3: REFERRED TO CITY MANAGER

Bob Scheidt thanked the City Council for their assistance in procuring information that he requested at the City Council meeting of July 25, 1994 and July 26, 1994. He then asked the City Council for their assistance in getting additional information that the police Department was not able to give him regarding the denial of his adult entertainment license.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A113-144.)

ITEM-PC-4: REFERRED TO CITY ATTORNEY

Comment by Darlene Davis stating that she is still waiting for the City of San Diego to allow her attorney to view the signed agreement between the City of San Diego and MTDB.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A145-159.)

ITEM-PC-5: REFERRED TO CITY MANAGER

Comment by Chris Steward regarding his difficulty with the DMV and several City Departments when he challenged a parking citation given to him by the City of San Diego on September, 1993.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A160-215.)

ITEM-PC-6:

Comment by David Bruce Thompson regarding the 1982 Cox Cable Contract review.

FILE LOCATION: AGENDA

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COUNCIL ACTION: (Tape location: A217-248.)

ITEM-PC-7:

Comment by Paul Peterson, representing Kathryn Crake, whose lease will be before the City Council in Executive Session, regarding a dispute arising out of a 1976 rental determination clause on the lease for the property next to the Sports Arena. He informed Council that they are willing to work out a compromise.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A249-274.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Council Member Vargas regarding San Diego Police Sergeant, David Ramirez, who was shot performing his duties of a police officer. He was impressed by the number of police officers who responded and were there to help him.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A276-294.)

ITEM-30:

SUBJECT: National Night Out Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-141) ADOPTED AS RESOLUTION R-284358

Encouraging the citizens of San Diego to join San Diegans United for Safe Neighborhoods and the National Association of Town Watch in supporting the "11th Annual National Night Out" on August 2, 1994;

Proclaiming August 2, 1994 to be "National Night Out

Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A300-408; A409-483.)

MOTION BY ROBERTS TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31:

SUBJECT: Tenth International Conference on AIDS Week in San Diego.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-95-57) ADOPTED AS RESOLUTION R-284359

Commending the international delegation from throughout the world attending the 10th Annual International Conference on AIDS for their dedication to the citizens of the world and on their efforts to eradicate this disease;

Commending Honorable Bidenobu Takahide, Yokohama City Mayor, and the citizens of Yokohama for hosting the 10th International Conference on AIDS;

Proclaiming August 7 through August 12, 1994 to be "Tenth International Conference on AIDS Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A409-483.)

MOTION BY ROBERTS TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32:

SUBJECT: Lomita Village Neighborhood Council Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-95-67) ADOPTED AS RESOLUTION R-284360

Recognizing the accomplishments of the Lomita Village Neighborhood Council and commending them for their hard work and commitment toward the betterment of their neighborhood;

Proclaiming August 1, 1994 to be "Lomita Village Neighborhood Council Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A484-609.)

MOTION BY STEVENS TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-33:

SUBJECT: Volunteer Fire Fighter Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-95-103) ADOPTED AS RESOLUTION R-284361

Recognizing and thanking Volunteer Fire Fighters throughout the City and County of San Diego, and in particular, the San Pasqual Volunteer Fire Fighters for their valorous efforts to protect the people of San Diego;

Proclaiming August 7, 1994 to be "Volunteer Fire Fighter Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A610-B064.)

MOTION BY WARDEN TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-34: APPROVED

Approval of Council Minutes for the Meetings of:

07/04/94 Adjourned
07/05/94
07/11/94
07/12/94
07/18/94 Adjourned
07/19/94 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A296-299.)

MOTION BY STEVENS TO APPROVE. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100:

SUBJECT: Awarding a contract to G. E. Supply for furnishing luminaries.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-22) ADOPTED AS RESOLUTION R-284362

Awarding a contract to G. E. Supply (San Diego, CA) for furnishing luminaries, as may be required for a period of one year beginning July 1, 1994 through June 30, 1995, for a total estimated cost of \$140,887, including tax and terms, with an option to renew the contract for one additional one year period.
(BID-I4365/95)

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FILE LOCATION: CONT - Purchase - G. E. Supply (San
Diego, CA) CONTFY95-1

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101:

SUBJECT: Awarding Contracts for the Purchase of Compound Water
Meters.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-25) ADOPTED AS RESOLUTION R-284363

Awarding contracts for the purchase of compound water
meters, as may be required for a period of one year
beginning July 1, 1994, through June 30, 1995, for a
total of \$56,500, with options to renew the contracts
for 4 additional one year periods, with option year
price increases not to exceed the price in effect for
the previous contract period by more than 6 percent, as
follows:

- 1) Mueller Co. Mktg. Grp. for Hersey Products Div.
of Grinnell Corp. (Cleveland, NC), for Items 1 and 2.
- 2) Schlumberger Industries, Inc. (Laguna Hills,
CA), for Items 3, 4 and 5.
(BID-E4340/94)

FILE LOCATION: CONT - Purchase - Mueller Co. Mktg. Grp.
for Hersey Products Div. of Grinnell
Corp. (Cleveland, NC); Schlumberger
Industries, Inc. (Laguna Hills, CA)
CONTFY95-2

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102:

SUBJECT: Awarding a Contract for Construction of 44th Street
Offsite Drain.
(Chollas View Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-16) ADOPTED AS RESOLUTION R-284364

Awarding a contract to SCW Contracting Corporation (San Diego) for Construction of 44th Street Offsite Drain in the amount of \$65,793.46, which is 31 percent over the estimate of \$49,999;
Authorizing the expenditure of \$209,680 from CIP-11-266.0, TransNet Fund 30300, Construction of 44th Street Offsite Drain;
Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K94220M)

CITY MANAGER SUPPORTING INFORMATION:

Capital Improvement Project CIP-11-266.0, provides for realigning the existing storm drain to connect to an existing drainage system northwest of 44th Street. The drainage system will consist of approximately 250 linear feet of 24" RCP. Bids were opened on May 6, 1994 and three bids were received. The low bid of \$65,693 submitted by SCW Contracting was 31 percent above the estimate which exceeds the \$50,000 City Manager Approval limit and therefore requires City Council approval. Funds were available within the project for this bid and acceptance of the low bid is recommended as it is believed rebidding will not result in lower bids.
Aud. Cert. 9401265.

FILE LOCATION: CONT - SCW Contracting Corporation (San Diego)
CONFY95-1

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-103:

SUBJECT: Three actions related to Inviting Bids for Construction
of Water and Sewer Group 471.
(Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-121) ADOPTED AS RESOLUTION R-284365

Inviting bids for Construction of Water and Sewer Group
471 on Work Order No. 171001/180641;
Authorizing a contract with the lowest responsible
bidder;
Authorizing the expenditure of \$896,488 from Sewer Fund
41506,
CIP-44-001.0, and \$1,077,406 from Water Revenue Fund
41500, CIP-73-083.0.
(BID-K95007)

Subitem-B: (R-95-122) ADOPTED AS RESOLUTION R-284366

Authorizing the use of City Forces to isolate and make
connections to the existing water system, perform
construction operations, and televise the sewer mains;
declaring that the cost of the work shall not exceed
\$246,868.

Subitem-C: (R-95-123) ADOPTED AS RESOLUTION R-284367

Certifying that the information contained in Mitigated
Negative Declaration and Mitigation Monitoring and
Reporting Program, DEP-93-0486, dated November 29,
1993, has been completed in compliance with the
California Environmental Quality Act of 1970 and State
guidelines, and that said Declaration has been
reviewed and considered by the Council;
Stating for the record that the final Mitigated
Negative Declaration has been reviewed and considered
prior to approving the project, and that the
Mitigation, Monitoring and Reporting Program has been
adopted.

CITY MANAGER SUPPORTING INFORMATION:

Water and Sewer Replacement Group 471 is part of the City's

ongoing cast iron water and concrete sewer main replacement program. The water and sewer mains to be replaced in this project were constructed as early as 1927 and are approaching the end of their useful service life. Replacement of these deteriorated water and sewer mains will continue to provide the community with a safe and reliable water and sewer infrastructure well into the next century. This project is in the Greater North Park community area and consists of replacing approximately 6,800 feet of 8-inch water main and 6,000 feet of 8-inch sewer main. The following streets will be affected by construction operations: Boundary Street, Nile Street, Vancouver Avenue, Haller Street, Dwight Street, Myrtle Avenue, Thorn Street, Redwood Street, and Quince Street. Residents will be notified by mail at least one month before construction by the Water Utilities Systems Division, and 10 days before construction by the contractor. It is anticipated that five new jobs in the local community will be created with the contract.
Aud. Cert. 9400993.
WU-P-94-116.

FILE LOCATION: W.O. 171001/180641 CONT - Dietrich
Corporation CONFY95-1

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104:

SUBJECT: Inviting Bids for Construction of Sewer Group 72A.
(Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-17) ADOPTED AS RESOLUTION R-284368

Inviting bids for Construction of Sewer Group 72A on
Work Order No. 172991;
Authorizing a contract with the lowest responsible
bidder;
Authorizing the expenditure of not to exceed \$528,062
from Sewer Revenue Fund 41506, Annual Allocation for

Sewer Main Replacement, CIP-44-001.0;
Authorizing the Auditor and Comptroller, upon advice
from the administering department to transfer excess
budgeted funds, if any, to the appropriate reserves;
Certifying that the information contained in
DEP-93-0513, has been completed in compliance with the
California Environmental Quality Act and State CEQA
Guidelines, and that the Negative Declaration reflects
the independent judgment of the City of San Diego as
Lead Agency;
Stating for the record that the final Negative
Declaration has been reviewed and considered prior to
approving the project.
(BID-K95003)

CITY MANAGER SUPPORTING INFORMATION:

Sewer Replacement Group 72A will rehabilitate approximately 3,149
feet of 6-inch sewer main in the Mission Hills, Uptown Community
area. The existing concrete sewers were installed in 1927, and
are in a dilapidated condition. The sewer mains have experienced
14 stops since 1973 and are causing maintenance problems for City
crews. As a result of this project, it is anticipated that the
flow conditions will be greatly improved with a more reliable and
cost-effective sewerage system.

Aud. Cert. 9401005.

WU-P-94-096.

FILE LOCATION: W.O. 172991 CONT - ZZ Liner Construction
Corp. DBA U-Liner West CONFY95-1

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105:

SUBJECT: Inviting Bids for the Construction of Landscape and
Operational Improvements to Sewer Pump Station No. 11.
(Mission Bay and Mission Beach Community Areas.
District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1906) ADOPTED AS RESOLUTION R-284369

Inviting bids for the Construction of Landscape and Operational Improvements to Sewer Pump Station No. 11 on Work Order No. 172871;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of \$117,545 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration for Landscape and Operational Improvements to Sewer Pump Station No. 11;

Stating for the record that the City of San Diego as Lead Agency has reviewed and considered the final environmental document, END-89-0319, dated May 3, 1989 and adopted September 25, 1989 by Resolution R-274936. (BID-K94047)

CITY MANAGER SUPPORTING INFORMATION:

In 1991, a new underground Pump Station No. 11 was completed in Mission Beach in compliance with a Regional Water Quality Control Board Cease and Desist Order. The new pump station was designed to replace the old pump station constructed in the early 1920s and to handle the sewage pumping needs for the planned build-out of the Mission Beach community in accordance with both the Mission Beach Precise Plan and Planned District Ordinance. It has back-up pumping capabilities and a gas-fueled, engine-driven generator available as a secondary power source in case of electrical power failure. The station was built underground to eliminate as much as possible any visual impacts. Citizens concerns for the aesthetics of the eighteen to twenty-four inches of the structure which remain visible above ground have necessitated minor improvements to the structure. Improvements include landscaping, concrete planters, irrigation, replacement of the pump station's vents, and relocating the station's exhaust stacks. The relocation of the exhaust stack is part of a settlement with property owners next to the station. The landscaping plans have been approved by the Mission Bay Park Committee, the Park and Recreation Facilities Committee, and the Park and Recreation Board. The landscaping plans are the result of community involvement. This contract is part of the settlement in the case of Cohen, et al. vs. City of San Diego, et al., Superior Court Case Nos. 640919, 654764, and 656814, approved in closed session on October 12, 1993 by a vote of 7-0 (Districts 2 and 3 not present).

Aud. Cert. 9401108.

WU-P-94-126.

FILE LOCATION: W.O. 172871 CONT - Edward A. Zasqueta
Contracting Co. CONFY95-1

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-106:

SUBJECT: Inviting bids for the Yard Piping and Power
Distribution of the Fiesta Island Replacement
Project/Northern Sludge Processing Facility.
(University City and Serra Mesa Community Areas.
District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-5) ADOPTED AS RESOLUTION R-284370

Inviting bids for the Yard Piping and Power
Distribution of the Fiesta Island Replacement
Project/Northern Sludge Processing Facility (FIRP/NSPF)
on Work Order No. 198861;
Authorizing the City Manager to apply for and accept
grant funds for Yard Piping and Power Distribution of
the Fiesta Island Replacement Project/Northern Sludge
Processing Facility (FIRP/NSPF) should such funding
become available.
(BID-K94106)

CITY MANAGER SUPPORTING INFORMATION:

The Fiesta Island Replacement Project/Northern Sludge Processing
Facility (FIRP/NSPF) project to be located at NAS Miramar will
replace the sludge drying facilities currently located at Fiesta
Island. The Yard Piping and Power Distribution is the second of
nine construction contracts for FIRP/NSPF. Mitigation measures
related to this action have been incorporated into each package.
At this time approval is requested to advertise the contract for
this package for bid only. An Environmental Impact Report for
this project is in preparation and will be certified prior to the
approval of construction funds. The request to certify the
Environmental Impact Report (EIR) and to adopt the Mitigation
Monitoring and Reporting Program for this project are scheduled
to go to Council in September 1994. The award of this contract
will follow thereafter.

WU-CWP-94-181.

FILE LOCATION: W.O. 198861 CONT - Nielsen - Dillingham
Builders CONFY95-1

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-107:

SUBJECT: Two actions related to the North Metro Interceptor
Sewer-Phase I (CIP-46-104.0).
(Midway and Pacific Highway Community Areas.
Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-4) ADOPTED AS RESOLUTION R-284371

Inviting bids for the construction of North Metro
Interceptor Sewer-Phase I on Work Order No. 171711.

Subitem-B: (R-95-6) ADOPTED AS RESOLUTION R-284372

Certifying that the information contained in
DEP-89-1105, has been completed in compliance with the
California Environmental Quality Act of 1970, as
amended, and State guidelines, and has been reviewed
and considered by the Council;
Adopting Findings, Statement of Overriding
Considerations, Mitigation Monitoring and Reporting
Program, or alterations to implement the changes to the
project as required by Council in order to mitigate or
avoid significant effects on the environment;
Authorizing the Planning Director, or designee, to
carry out the provisions of the program, and work with
other City departments as necessary in implementing the
program's elements and work plan.
(BID-K95100)

CITY MANAGER SUPPORTING INFORMATION:

The existing North Metro Interceptor Sewer (NMIS) is a 96-inch diameter pipe which was built in 1961. This pipe has experienced some corrosion and is quickly reaching its design capacity. The NMIS is located between the Interstate 5 and 8 interchange and Pump Station No. 2 which is located on North Harbor Drive. It is a major link in the sewer collection system which carries flows from the northern and northeastern portions of the City and County. The proposed NMIS-Phase I is a 108-inch diameter relief sewer pipe which originates at the intersection of Friar Road and Napa Street, traverses south under the San Diego River, Taylor Street and Pacific Highway, and terminates at Gearing Drive and Barnett Avenue. Phase II passes through Navy and Marine property. The proposed NMIS is designed to carry the projected flow through year 2050. The Draft EIR for this project was distributed on March 25, 1994 (DEP-89-1105). The public review period ended on May 9, 1994. The final EIR is scheduled for distribution on June 24, 1994.
WU-CWP-94-185.

FILE LOCATION: W.O. 171711 CONT-PCL Constructors, Inc.
CONFY95-1

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-108:

SUBJECT: Inviting Bids for the Construction of La Jolla
Boulevard Storm Drain - Phase 1.
(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-124) ADOPTED AS RESOLUTION R-284373

Inviting bids for the Construction of La Jolla
Boulevard Storm Drain - Phase 1 on Work Order No.
119906;
Authorizing a contract with the lowest responsible
bidder;
Authorizing the expenditure of not to exceed \$170,000

from CIP-11-292.0, Fund 30300;
Authorizing the Auditor and Comptroller, upon advice
from the administering department, to transfer excess
budgeted funds, if any, to the appropriate reserves.
(BID-K94014A)

CITY MANAGER SUPPORTING INFORMATION:

Capital Improvement Project CIP-11-292.0 provides for the design
and reconstruction of an existing storm drain system located at
La Jolla Boulevard and Bonair Street. The project will add three
inlets to an existing 45" RCP drainage system which will
eliminate local ponding in the intersection.
Aud. Cert. 9500019.

FILE LOCATION: W.O. 119906 CONT - Cobra Engineering
CONFY95-1

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-109:

SUBJECT: Inviting Bids for Construction of Traffic Signal and
Street Lighting Systems at Euclid Avenue and
Altadena/Ridgeview Drive (Location #1) and at Alvarado
Road and Reservoir Drive (Location #2).
(Chollas Creek and College Community Areas.
Districts-4 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-18) ADOPTED AS RESOLUTION R-284374

Inviting bids for Construction of Traffic Signal and
Street Lighting Systems at Euclid Avenue and
Altadena/Ridgeview Drive (Location #1) and at Alvarado
Road and Reservoir Drive (Location #2) on Work Order
No. 112152;
Authorizing a contract with the lowest responsible
bidder;
Authorizing the expenditure of \$209,890 from

CIP-68-010.0, Annual Allocation - Construction Top
10-15 Prioritized Traffic Signals, Fund 30300;
Authorizing the Auditor and Comptroller to retain
excess monies, if any, in CIP-68-010.0. (BID-K95004)

CITY MANAGER SUPPORTING INFORMATION:

This project will install traffic signal systems providing for
the safe passage of emergency equipment, pedestrians, and
vehicles through both intersections. Traffic signal features
include emergency vehicle preemption equipment.
Aud. Cert. 9401268.

FILE LOCATION: W.O. 112152 CONT - Lekos Electric Inc.
CONFY95-1

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110:

SUBJECT: Awarding a Contract for Furnishing Landscape
Maintenance within the Carmel Valley Landscape and
Lighting District (Contract Area #5).
(District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1648) ADOPTED AS RESOLUTION R-284375

Awarding a contract to California Landscape Maintenance
(Anaheim, CA), for furnishing landscape maintenance of
designated medians, rights-of-way, and landscaped
slopes within the Carmel Valley Landscape and Lighting
District (Contract Area #5), as may be required for a
period of one year beginning August 1, 1994 through
July 31, 1995, for an estimated cost of \$46,854.92,
with options to renew the contract for four additional
one year periods, with increases not to exceed 5
percent of the prices in effect in each prior period;
Declaring that in the event the contractor does not
perform to specifications, the Purchasing Agent is

authorized to terminate the contract and award to the next low responsive and responsible bidder and to subsequent bidders, if necessary, until a bidder is found who performs to specifications.
(BID-C4329/94)

FILE LOCATION: STRT M-309 CONTFY95-1

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111:

SUBJECT: Inviting Bids for Citywide Guardrail Installation - Contract 1.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-125) ADOPTED AS RESOLUTION R-284376

Inviting bids for Citywide Guardrail Installation - Contract 1 on Work Order No. 112309;
Authorizing the execution of a contract with the lowest responsible bidder;
Authorizing the expenditure of not to exceed \$290,000 from CIP-68-006.0, Annual Allocation - Guardrails (TransNet Fund 30300);
Authorizing the Auditor and Comptroller, upon advice from the administering department, to retain excess budgeted funds, if any, in the project until completion.
(BID-K95008)

CITY MANAGER SUPPORTING INFORMATION:

The City maintains an on-going program to promote safety within the public right-of-way. The Traffic Engineering Division of the Engineering and Development Department has identified the most critical locations where guardrails are required to provide safety for vehicles. The project will install new guardrails at sixteen locations throughout the City of San Diego. New concrete or asphalt sidewalk will also be constructed at Euclid Avenue,

Fontaine Street, and Sunset Road.
Aud. Cert. 9401223.

FILE LOCATION: W.O. 112309 CONT - Alcorn Fence Co. DBA
Atlas Fence Co. CONFY95-1

COUNCIL ACTION: (Tape location: A066-A186.)
CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-112:

SUBJECT: Inviting Bids for Removal of Architectural Barriers for
the Disabled Contract #32.
(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-20) ADOPTED AS RESOLUTION R-284377

Inviting bids for Removal of Architectural Barriers for
the Disabled Contract #32 on Work Order No. 112304A;
Authorizing a contract with the lowest responsible
bidder;
Authorizing the expenditure of not to exceed \$35,200
from CIP-52-243.0, Fund 18528, J.O. 112304, Community
Development Block Grant; \$35,200 from CIP-52-243.0,
Fund 18528, J.O. 112305, Community Development Block
Grant; \$35,200 from CIP-52-243.0, Fund 18528, J.O.
112306, Community Development Block Grant;
\$20,000 from CIP-52-243.0, Fund 18528, Community
Development Block Grant, for construction and related
costs;
Authorizing the Auditor and Comptroller to transfer
excess funds, if any, to the appropriate reserves.
(BID-K95006)

CITY MANAGER SUPPORTING INFORMATION:

Capital Improvement Project, CIP-52-243, provides for the design
and construction of wheelchair ramps. The ramps are required
because persons with disabilities, and many senior citizens, find
their mobility restricted by curbs which they find difficult or
impossible to negotiate.

Aud. Cert. 9500009.

FILE LOCATION: W.O. 112304A CONT - Robert L. Fox General
Building Contractor CONTFY95-1

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-113:

SUBJECT: Surplus in the Improvement Fund of certain 1913
Municipal Improvement Act Assessment Districts.
(See City Manager Report CMR-94-204. Mira Mesa,
Mission Valley, Otay Mesa, Torrey Pines, Valencia Park
Community Areas. Districts 1, 4, 5, 6, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-112) ADOPTED AS RESOLUTION R-284378

Declaring a surplus in the Improvement Fund of certain
1913 Municipal Improvement Act Assessment Districts;
Ordering the disposition of each Improvement Fund
Surplus in accordance with the provisions of Section
10427 et seq. of the Street and Highways Code of the
State of California.

FILE LOCATION: STRT - D-2228; D-2189; D-2236; D-2239;
D-2251; D-2234; D-2275; D-2273

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-114:

SUBJECT: Multiple Species Conservation Program Financing and
Acquisition Strategy Principles.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-115) ADOPTED AS AMENDED AS RESOLUTION R-284379 -
MSCP PRINCIPLES AMENDED ONLY

Adopting the Multiple Species Conservation Program
Financing and Acquisition Strategy Principles.

CITY MANAGER SUPPORTING INFORMATION:

On June 27, 1994, the City Council considered approval of a set of principles for the financing and acquisition strategy for the Multiple Species Conservation Program (MSCP). The Council approved these policy statements with amendments and requested that the amended language come back to Council for approval. The Mayor and Council requested that the policy statements indicate that the local sources of funding should be voter approved, including voter approval of bonds for local funding. It was also requested that a stronger statement be made that each of the major component pieces be a part of the plan and be in place before the plan is finalized to ensure that funding is not left to only one or two sources or components. The principles have been revised as requested and are part of the draft Council resolution.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B187-222.)

MOTION BY McCARTY TO ADOPT AS AMENDED TO REPLACE THE LANGUAGE IN THE INTRODUCTION SECTION OF THE PRINCIPLES TO READ "IN ORDER TO ENSURE SUCCESSFUL IMPLEMENTATION OF THE MSCP ALL OF THE FOLLOWING COMPONENTS OF THE FINANCING AND ACQUISITION STRATEGY MUST BE APPROVED PRIOR TO OR CONCURRENT WITH ADOPTION OF THE MSCP." Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-115:

SUBJECT: AUDRE Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-95-102) ADOPTED AS RESOLUTION R-284380

Recognizing Automatic Digitizing Recognition "AUDRE"
for its corporate success, and for calling San Diego
its corporate home;
Proclaiming August 4, 1994 to be "AUDRE Day" in San
Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-116:

SUBJECT: Celebrate Clairemont Family Day.

COUNCILMEMBER STALLINGS' RECOMMENDATION:

Adopt the following resolution:

(R-95-76) ADOPTED AS RESOLUTION R-284381

Proclaiming August 13, 1994 to be "Celebrate Clairemont
Family Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-117:

SUBJECT: Agreements with the Regents of the University of California to Design and Install Various Bicycle Facilities.
(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-49) ADOPTED AS RESOLUTION R-284382

Authorizing three agreements with the Regents of the University of California, San Diego for passing through to the University grant funds received from SANDAG, in the amount of \$48,000, for three bicycle projects on the University campus, as follows:

- 1) Bicycle racks to be located at various locations throughout the campus;
- 2) Preliminary design for bicycle lanes on Gilman Drive, between Osler Lane and Villa La Jolla Drive;
- 3) The repair and improvement of bicycle lanes on Old Miramar Road between Regents Road and Gilman Drive;

Authorizing the expenditure of an amount not to exceed \$48,000 from Fund/Dept. 390056, Account 4279, for the above purpose.

CITY MANAGER SUPPORTING INFORMATION:

This action will transfer \$48,000 of SANDAG funds to the Regents of the University of California (University) for three bicycle facility projects on the UCSD campus. The University requested the City of San Diego to apply for Transportation Development ACT (TDA) funding from SANDAG on behalf of the University and pass through the funds to the University for the following three bicycle projects: 1) Bicycle racks to be located at various locations throughout the campus; 2) Preliminary design for bicycle lanes on Gilman Drive, between Osler Lane and Villa La Jolla Drive; and 3) The repair and improvement of bicycle lanes on Old Miramar Road between Regents Road and Gilman Drive. The University would manage these projects. The SANDAG Board of Directors subsequently approved \$18,000 in TDA funds for purchase and installation of bicycle racks, \$10,000 for preliminary design for the Gilman Drive bicycle lanes and \$20,000 for the repair and improvement of the Old Miramar Road bicycle lanes. Aud. Cert. 9401262.

FILE LOCATION: MEET CCONTFY95-3

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-118:

SUBJECT: City of San Diego Excess Public Liability Insurance -
Agreement with County Supervisors of California Excess
Insurance Authority (CSAC-EIA).
(See City Manager Report CMR-94-207.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-132) ADOPTED AS RESOLUTION R-284383

Authorizing the City Manager to enter into an agreement
with the County Supervisors Association of California
Excess Insurance Authority, to jointly purchase public
liability insurance;
Authorizing the City Manager to cancel the existing
public liability insurance policies in force and
purchased through the current broker of record, Marsh
and McLennan, Inc.;
Authorizing the expenditure of an amount not to exceed
\$656,005 for providing funds for the purchase of the
insurance.
Aud. Cert. 9500082.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-119:

SUBJECT: Lease Agreement - Library Department Literacy Program -
READ/San Diego.
(District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-94) ADOPTED AS RESOLUTION R-284384

Authorizing a 15-month lease agreement with DP Partnership for the use by the Library Department Literacy Program of 2,322 square feet of space at 3450 College Avenue, #240, at a monthly rental rate of \$1,927.26;

Authorizing the expenditure of not to exceed \$21,199.86 to cover rental costs for the period of August 1, 1994 through June 30, 1995, from Library Department Budget, General Fund 100/310, Org. 217, Object Account 4682, Job Order 002019.

CITY MANAGER SUPPORTING INFORMATION:

In 1988 the Library Department established a literacy program, READ/San Diego, at 1535 Euclid Avenue, Suite C, for the purpose of developing literacy awareness; recruiting and training volunteer tutors and learners; and developing a library-based organization coalition. The current lease agreement is on holdover and the landlord has requested the City to vacate the property in preparation for redevelopment of the site. A facility is in the process of being built to house the literacy program. The City Manager proposes to enter into a new short-term lease with DP Partnership, owners of The Grove shopping center, until the literacy program facility is completed. A summary of the agreement is as follows:

Location: 3450 College Avenue, #240

Size: 2322 square feet

Term: Fifteen (15) months

Rent: \$1,927.26 per month (\$.83 per square foot) plus utilities

Premises: Landlord will be doing some minimal improvements to the suite to put it in an acceptable condition.

The rental rate is competitive for comparable property in the area.

Aud. Cert. 9500049.

FILE LOCATION: LEAS - DP Partnership LEASFY95-1

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,

McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-120:

SUBJECT: Appointment to the Board of Library Commissioners.
(See memorandum from Mayor Golding dated 7/15/94 with
resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-140) ADOPTED AS RESOLUTION R-284385

Council confirmation of the appointment by the Mayor of
Norris S. Nagao to serve as member of the Board of
Library Commissioners, for a two-year term ending March
1, 1996, replacing Paula Seigel, whose term has
expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-121:

SUBJECT: Appointment and Reappointments to the Senior Citizen
Advisory Board.
(See memorandums from Mayor Golding dated 7/15/95 with
resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-95-139) ADOPTED AS RESOLUTION R-284386

Council confirmation of the following appointments by
the Mayor to serve as members of the Senior Citizen
Advisory Board, representing categories as indicated,
for two-year terms ending July 1, 1996:

Appointment:
Virginia Nash (Council District 3)
(replacing Muriel Fleischman, whose term has
expired)

Reappointments:
Wilbur K. McCracken (Council District 1)
Janet M. Brown (Council District 7)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-122:

SUBJECT: Proposed Formation of County Service Area to Provide
Emergency Medical Services.
(See City Manager Report CMR-94-179. Districts-2 & 8.)

PUBLIC SERVICES AND SAFETY COMMITTEE'S RECOMMENDATION:
On 7/6/94, PS&S voted 4-0 to recommend adoption of the
following resolution (Councilmembers Roberts, Kehoe, Stevens
and McCarty voted yea; Councilmember Vargas not present):

(R-94-1911) ADOPTED AS RESOLUTION R-284387

Approving the City Manager's recommendation to not
support or participate in the proposed formation of a
County Service Area to provide Emergency Medical
Services that would include South San Diego within its
boundaries.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings.
Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-123:

SUBJECT: Acquisition of a 20-Acre Conservation Easement for
Mitigation of the North Metro Interceptor Sewer
Project.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-142) ADOPTED AS RESOLUTION R-284388

Authorizing the City Manager to enter into a Memorandum of Agreement with the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA) for the purchase of a conservation easement and mitigation rights on 20 acres of undeveloped land owned by the JPA;

Authorizing the City Manager to expend an amount not to exceed \$450,000 from Sewer Fund 41508, CIP-46-104.0, North Metro Interceptor, for the purpose of purchasing a conservation easement and mitigation rights on 20 acres of undeveloped land owned by the JPA.

CITY MANAGER SUPPORTING INFORMATION:

On May 8, 1990, City Council voted to approve the SR56/CVREP Project and to certify Environmental Impact Report EIR-89-0218 and to adopt a mitigation monitoring and reporting program and findings for amendments to the State Route 56 West and Carmel Valley Restoration and Enhancements Project (CVREP). The Council took this action on the condition that, in addition to the mitigation monitoring and reporting program and findings discussed in the EIR, a \$2.0 million trust fund would be established for the purpose of acquiring and/or restoring land within the San Dieguito River Valley Regional Open Space Park (San Dieguito River Park). To date, the City of San Diego, CalTrans, and SANDAG (the parties working on State Route 56 West and CVREP) have paid \$1,050,000 to the JPA for purchase of property within the San Dieguito River Park planning area. The JPA is now asking the City for \$450,000 to purchase additional property known to be available within the San Dieguito River Park planning area. In exchange, the JPA would provide the City with a conservation easement and mitigation rights on 20 acres of JPA-owned undeveloped land in the planning area. Under the terms of this exchange, the City would have its choice of a conservation easement and mitigation rights on any JPA-owned land for which mitigation credit has not already been claimed. The JPA owns currently over 100 acres of undeveloped land for which no mitigation credit has been claimed. By this new action, the

City Manager requests the City Council's authorization to enter into an agreement with the JPA to execute the exchange. Acquisition of the conservation easement for \$450,000 would allow the City to satisfy its mitigation needs for the North Metro Interceptor Sewer Project and would satisfy the City's obligation to the JPA under the May 8, 1990, Council action. (Remaining money to complete the \$2.0 million trust fund will come from CalTrans.)

Aud. Cert. 9500078.

FILE LOCATION: MEET CONTFY95-1

COUNCIL ACTION: (Tape location: A066-A186.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-150:

SUBJECT: Amending Council Policy 100-02 regarding City Receipt of Donations of Works of Art.
(See City Manager Report CMR-94-169.)

PUBLIC FACILITIES AND RECREATION COMMITTEE'S RECOMMENDATION:
On 6/22/94, PF&R voted 4-1 to recommend adoption of the following resolution (Councilmembers Mathis, Kehoe, Warden, and Stallings voted yea; Councilmember McCarty voted nay):

(R-95-32) ADOPTED AS RESOLUTION R-284389

Amending Council 100-02 entitled, "City Receipt of Donations," to include a policy for the donation of works of art to the City of San Diego.

NOTE: See Item 151 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B223-388.)

MOTION BY STALLINGS TO ADOPT THE CITY MANAGER'S RECOMMENDATIONS. ACCEPT COUNCIL MEMBER MATHIS' RECOMMENDATION TO DIRECT THE CITY MANAGER TO RETURN TO COUNCIL WITH LANGUAGE THAT MAY HELP TO DETERMINE THE WORKS OF ART THAT NEED TO GO THROUGH THE ARTS AND CULTURE COMMISSION AND THE CITY COUNCIL PROCESS. Second by Kehoe.

Passed by the following vote: Mathis-yea, Roberts-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-151: DEFEATED

SUBJECT: Approval of Site and Maintenance Plan for the San Diego
AIDS Awareness Garden in Balboa Park.
(See City Manager Report CMR-94-170. District-3.)

PUBLIC FACILITIES AND RECREATION COMMITTEE'S RECOMMENDATION:

On 6/22/94, PF&R voted 4-1 to recommend adoption of the
following resolution, with a model/rendering to be supplied
at the Council meeting (Councilmembers Mathis, Kehoe,
Warden, and Stallings voted yea; Councilmember McCarty voted
nay):

(R-95-74)

Approving the site of Quince Street and Balboa Drive,
as the location of the San Diego AIDS Awareness Garden
in Balboa Park;
Approving the maintenance plan for the San Diego AIDS
Awareness Garden.

NOTE: See Item 150 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B389-D011.)

MOTION BY MCCARTY TO NOT APPROVE THE MEMORIAL. Second by
Kehoe. Passed by the following vote: Mathis-yea,
Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200: REFERRED TO CLOSED SESSION

SUBJECT: In the matter of a Percentage Rent Adjustment with Sea
World, Inc., with regard to its lease in Mission Bay.
Authorizing the City Manager to continue negotiations
with C. Michael Cross, representing Sea World, Inc., to
determine the appropriate percentage rental rate
adjustments.
(Mission Bay Community Area. District-2.)

Accept testimony from any members of the public who wish to address the Council on this subject, then refer the matter to Closed Session on August 2, 1994, pursuant to California Government Code Section 54956.8.

CITY MANAGER'S RECOMMENDATION:

It is proposed that the City Manager's recommendation will be presented to the City Council in Closed Session on August 2, 1994. Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: LEAS - Sea World, Inc.

COUNCIL ACTION: (Tape location: A066-186.)

CONSENT MOTION BY WARDEN TO REFER TO CLOSED SESSION. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S400:

SUBJECT: Foreign Trade Zone.
(District-8.)

(Continued from the meeting of July 25, 1994, Item 120, at Councilmember Stevens' request, to allow involvement from other people.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-73) ADOPTED AS RESOLUTION R-284390

Authorizing an agreement with Metro International Trade Services, Inc. for the operation of the San Diego Foreign Trade Zone #153;
Authorizing the City Manager or a designee from Economic Development Services to take any and all actions necessary to carry out the terms of the Agreement.

CITY MANAGER SUPPORTING INFORMATION:

On April 25, 1994, Cal Cartage, the current Foreign Trade Zone (FTZ) operator, notified the City that they would exercise their option and cease operations effective July 31, 1994. As a result, staff advertised a request for proposals and established

a selection committee composed of representatives from the Greater San Diego Chamber of Commerce, the Southwestern College Small Business Development & International Trade Center, the Otay Mesa Chamber of Commerce and City staff from Brown Field. Five firms responded to the RFP. Two of the five proposals were considered non-responsive to the RFP criteria. Three firms were interviewed: Metro International, Weber Distribution and IMS Worldwide.

The choice of the Committee and the recommendation of the Manager is Metro International for the following reasons:

- They have demonstrated experience operating a zone. They currently operate the Long Beach and Detroit FTZs.
- They are judged most able to assume zone operation in the shortest period of time.
- They were most responsive to the RFP criteria including continuing a general purpose operation on Otay Mesa, no need for a City subsidy and providing a reasonable return to the City and good proposals for operation and marketing.

FISCAL IMPACT:

The agreement provides a minimum annual return to the City of \$15,000 with additional participation if the zone exceeds gross revenues of \$375,000.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: D012-250.)

MOTION BY STEVENS TO ADOPT. Second by Vargas. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S401: DEFEATED

SUBJECT: Council Consideration of a Ballot Proposition for the November 8, 1994 Election.
(University Community Area. District-1.)
(Continued from the meeting of July 25, 1994, Item 203F, at Councilmember Mathis' request, for further review and discussion with the City Manager.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-70)

Directing the City Attorney to draft the necessary language to place a proposition on the November 8, 1994 ballot to authorize the sale or lease of portions of Pueblo Lots 1276, 1304, 1305 and 1306.

CITY MANAGER SUPPORTING INFORMATION:

The City acquired the Pueblo Lots under the Pueblo Lands Grant in 1874. The remaining un-ratified lots comprise about 190 acres and are currently zoned R-1-5000 and A-1-10. The Community Plan designation is to rezone the Pueblo Lots west of I-805 to Scientific Research (SR) after January 1995. The Pueblo Lots east of I-805 comprise approximately 74 acres, are currently zoned A-1-10 and R-1-5000 and are designated as open space. The property cannot be leased for longer than 15 years or sold until it is ratified by a majority vote of the people. The 74-acre Pueblo Lot was previously ratified for sale to the U.S.A. (Navy) as part of a multi-parcel sale/exchange. The City chose to retain the property, and in order to equalize the exchange paid the Navy \$3.4 million for it.

The property has an easement which restricts its use for mitigation for the City's wastewater treatment plant site which is located directly to the north. The Metropolitan Wastewater fund would need to be compensated and the easement vacated in order to use it for other purposes. It would also be necessary to ratify it again to be able to sell or lease it to private parties. The purpose of the sale or lease would be to generate employment in fields such as bio-technology and manufacturing, and/or generate revenue and sales tax. If this action is approved by the Council and the lots are ratified for sale or lease at the November 1994 election, the funds from a sale or lease would be placed in the Industrial Development Fund after Metropolitan Wastewater Fund is repaid.

FISCAL IMPACT:

None with this action. Substantial revenues could be derived from the eventual sale or lease of the property.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D251-498.)

MOTION BY MATHIS TO NOT PLACE THE PROPOSITION ON THE BALLOT. ACCEPT COUNCIL MEMBER ROBERTS' RECOMMENDATION TO DIRECT THE CITY MANAGER TO LOOK AT AN OVERALL SCHEDULE OF DEVELOPMENT RELATED ACTIVITIES THAT HAS TO BE DONE TO BRING THIS LAND TO THE MARKET PLACE. SEE HOW THAT SCHEDULE INTERFACES WITH THE

SCHEDULE THAT IS BEING CONTEMPLATED FOR THE EASTGATE TECHNOLOGY PARK SO THAT WE ARE IN A POSITION AS WE FINISH UP ONE TO BEGIN THE NEXT ONE. STUDY POTENTIAL USES STRICTLY FOR THE WESTERN PARCEL OF 805 AND NOT THE EASTERN PARCEL. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S402: REFERRED TO CLOSED SESSION

SUBJECT: In the matter of a discussion of potential negotiations between the City Manager and City Attorney and San Diego Chargers and Charger owner Alex Spanos concerning the continued use and occupancy of San Diego Jack Murphy Stadium.

TODAY'S ACTION IS:

Accept testimony from any members of the public who wish to address the Council on this subject, then refer the matter to Closed Session on August 2, 1994.

CITY MANAGER'S RECOMMENDATION:

It is proposed that the City Manager's recommendation will be presented to the City Council in Closed Session on August 2, 1994. Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A066-186.)

CONSENT MOTION BY WARDEN TO REFER THIS ITEM TO CLOSED SESSION. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S403: REFERRED TO CLOSED SESSION

SUBJECT: In the matter of a discussion of potential negotiations between the City Manager and City Attorney and the San Diego Padres and Tom Werner concerning the continued use and occupancy at San Diego Jack Murphy Stadium.

TODAY'S ACTION IS:

Accept testimony from any members of the public who wish to address the Council on this subject, then refer the matter to Closed Session on August 2, 1994.

CITY MANAGER'S RECOMMENDATION:

It is proposed that the City Manager's recommendation will be presented to the City Council in Closed Session on August 2, 1994. Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A066-186.)

CONSENT MOTION BY WARDEN TO REFER THIS ITEM TO CLOSED SESSION. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

MOTION BY MATHIS TO ADD THE APPLICATION OF SDG&E TO ESTABLISH A PERFORMANCE BASED RATE-MAKING MECHANISM TO THE CLOSED SESSION AGENDA OF TUESDAY, AUGUST 2, 1994, AT 9:00 A.M. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

The meeting was adjourned by Mayor Golding at 4:55 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: D500-526.)